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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,513	04/25/2005	Carlos Martins	RFR0062	7073

Valeo Inc
Intellectual Property Department
4100 North Atlantic Boulevard
Auburn Hills, MI 48326

7590 10/19/2007

EXAMINER

TAPOLCAI, WILLIAM E

ART UNIT	PAPER NUMBER
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3744

MAIL DATE	DELIVERY MODE
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10/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,513

Applicant(s)

MARTINS ET AL.

Examiner

William E. Tapolcai

Art Unit

3744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15 and 17-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15 and 17-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3744

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15, 17-23, 25-29, 31, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,340,053 to Wu et al. Wu et al discloses the claimed heat exchanger comprising a plurality of stacked plates. The plates have separate internal flow channels for first and second fluids. The recitation of the heat exchanger being a motor vehicle condenser with the refrigerating fluid as one of the fluids used is considered to be a mere statement of intended use which is not supported by the claimed structure. Furthermore, the heat exchanger of Wu et al is capable of being used as a condenser in a refrigeration system.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al in view of U.S. Patent No. 5,628,206 to Baba. Wu et al discloses the claimed invention except for the bottle built between the first and second series of plates. Baba teaches a condenser comprising a series of stacked plates and a bottle or reservoir 33 adjacent the plates. Thus, it would be obvious to provide Wu et al with a bottle or reservoir, in

Art Unit: 3744

view of Baba, for the purpose of providing an expansion container for the heat exchanger. The location of the bottle or reservoir with respect to the plates is considered to be a matter of obvious choice to one of ordinary skill in the art. No criticality or unexpected results are seen or have been disclosed for the claimed location of the bottle or reservoir. Furthermore, one of ordinary skill in the art would have expected Applicant's invention to work equally as well as with the device of Baba.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wu et al. Wu et al discloses the claimed invention except for the compressor and evaporator. The compressor, condenser, and evaporator are extremely well known components of a refrigeration system, and thus to use a refrigeration system incorporating the heat exchanger of Wu et al as the condenser would be an obvious expedient to one of ordinary skill in the refrigeration art.

6. Applicant's arguments filed July 26, 2007 have been fully considered but they are not persuasive. Firstly, the Examiner has not been able to find on file a copy of Applicant's specification with paragraphs numbered. Thus, it is difficult to accurately ascertain which paragraph Applicant refers to as paragraph 0011 in his remarks.

7. Wu et al is considered to clearly disclose the claimed limitation of the main section plates being assembled in groups or sub groups of plates such that they form at least two fluid passes. Since a group can consist of as little as two plates, Wu et al clearly discloses in Fig.1 at least two plates that are stacked together. Furthermore, Wu et al clearly discloses that there are two fluid passes in the heat exchanger.

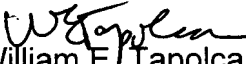
Art Unit: 3744

8. Applicant has not demonstrated why the heat exchanger in Wu et al would not be capable of being used as a condenser in a refrigeration system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Tapolcai whose telephone number is (571) 272-4814. The examiner can normally be reached on Mon. - Thurs., 6:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


William E. Tapolcai
Primary Examiner
Art Unit 3744

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August 1, 2007